2 Overview of NPDES Program and National Pretreatment Program

This section presents a brief overview of the NPDES Permit Program and the National Pretreatment Program. For more background information regarding EPA's programs to develop national standards for point source categories, refer to the *U.S. EPA NPDES Permit Writer's Manual* (EPA-833-B-96-003).

What is the NPDES Permit Program?

Section 301(a) of the CWA prohibits the discharge of pollutants except in compliance with CWA Section 402, among other sections. Section 402 authorizes the issuance of NPDES permits for direct dischargers (i.e., existing or new industrial facilities that discharge process wastewaters from any point source into receiving waters). You must develop NPDES permits to control these discharges, using effluent limitations guidelines and water-quality based effluent limitations.

What are Effluent Limitations Guidelines?

EPA establishes ELGs to require a minimum level of process control and treatment for industrial point sources. They are based on the demonstrated performance of model process and treatment technologies that are within the economic means of an industrial category. Although ELGs are based on the performance of model process and treatment technologies, EPA does not mandate the use of specific technologies; therefore, dischargers are free to use any available control technique to meet the limitations.

What are Water-Quality-Based Effluent Limitations (WQBELs)?

All receiving waters have ambient water quality standards that are established by the states or EPA to maintain and protect designated uses of the receiving water (e.g., aquatic life-warm water habitat, public water supply, primary contact recreation). Some of you may find that the application of the ELGs result in pollutant discharges that exceed the water quality standards in particular receiving waters. In such cases, you are required by the CWA and federal guidelines to develop more stringent WQBELs for the pollutant to ensure that the water quality standards are met. States can use the total maximum daily load (TMDL) process as one way of quantifying the allowable pollutant loadings in receiving waters, based on the relationship between pollution sources and in-stream water quality standards.

Because EPA and state permitting authorities are familiar with their respective water quality standards and knowledgeable in waste load allocations and other procedures to maintain water quality standards, these issues are not addressed in this document. To learn more about how TMDLs are developed, you should refer to *Guidance for Water-Quality-Based Decisions: The TMDL Process* (EPA 440/4-91-001). To learn how to apply water quality standards in NPDES permits, refer to the *Technical Support Document for Water Quality-Based Toxics Control* (EPA/505/2-90-001).

What is the National Pretreatment Program?

Section 402(b)(8) of the CWA requires that permits for certain publicly owned treatment works (POTWs) (i.e., those receiving pollutants from significant industrial sources subject to pretreatment standards under CWA Section 307(b)) must establish a pretreatment program to ensure compliance with these standards. EPA has published regulations to define the requirements of this POTW pretreatment control program.

What are National Pretreatment Standards?

Section 403.5(a)(1) generally prohibits users of a POTW (indirect dischargers) from discharging pollutants to the POTW that cause pass-through or interference. Therefore, POTWs that receive wastewater from indirect dischargers subject to categorical pretreatment standards must develop and enforce local limits to comply with the National Pretreatment Standards.

Pass-through is defined as a discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW's NPDES permit. Interference is defined as a discharge that, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes, or its operations; or its sludge processes, use, or disposal; and (2) causes the POTW to violate any requirement of its NPDES permit, or prevents sewage sludge use or disposal (40 CFR §403.3).

Applicability of Effluent Limitations Guidelines and Standards

Mills that discharge waters to receiving streams or POTWs are required to meet one (or more) of the following ELG&S (as well as BMPs) established by the CWA.

Guideline or Standard for the control of:	Is:	Acronym
toxic and conventional pollutants at an existing direct discharger	best practicable control technology currently available	BPT
conventional pollutants at an existing direct discharger	best conventional pollutant control technology	BCT
toxic and nonconventional pollutants at an existing direct discharger	best available technology economically achievable	BAT
conventional, toxic, and nonconventional pollutants at a new source, direct discharger	new source performance standards	NSPS
toxic and nonconventional pollutants at an existing indirect discharger	pretreatment standards for existing sources	PSES
toxic and nonconventional pollutants at a new source, indirect discharger	pretreatment standards for new sources	PSNS
losses and spills from process equipment	best management practices	BMP

With the April 15, 1998 promulgation of the regulation, EPA has established new BAT, NSPS, PSES, PSNS, and BMPs in addition to the BPT, BCT, BAT, NSPS, PSES, and PSNS already established for the pulp, paper, and paperboard category. **Note that although this document focuses on these new ELG&S and BMPs, all previous ELG&S remain in effect.** Table 2-1 summarizes the applicability of these ELG&S.

Table 2-1: Effluent Limitations Guidelines and Standards Applicable to Each Program

Program	Type of Discharger	Existing or New Source?	Applicable ELG&S Previously Established	Additional ELG&S (from 4/15/98 Rule)
NPDES Permit Program	Direct Discharger	Existing Source	BCT BPT BAT	BAT BMP
		New Source	NSPS	NSPS BMP
National Pretreatment Program	Indirect Discharger	Existing Source	PSES	PSES BMP
		New Source	PSNS	PSNS BMP